

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In re: Equifax, Inc. Customer
Data Security Breach Litigation

This document relates to:

ALL CASES

MDL Docket No. 2800
No. 1:17-md-2800-TWT

Chief Judge Thomas W. Thrash, Jr.

[PROPOSED] CASE MANAGEMENT ORDER NO. 5

On March 23, 2018, the Court entered Case Management Order No. 3 (Doc. No. 248) and on April 4, 2018, the Court entered a Scheduling Order (Doc. No. 260), governing various matters in this multidistrict proceeding, including briefing schedules for Motions to Dismiss the consolidated complaints in the Consumer Track and Financial Institution Track. On May 14, 2018, Plaintiffs filed a “Consolidated Class Action Complaint for Small Business Claims” (the “Small Business Complaint”) in addition to a Consolidated Consumer Class Action Complaint. Doc. No. 375. No briefing schedule has been set as to the Small Business Complaint.

In addition, certain motions to remand to state court, as well as another miscellaneous motion, were recently filed that were not addressed by Case

Management Order No. 3, the Scheduling Order, or any other Case Management Order. The Court stayed briefing deadlines on these motions to remand and miscellaneous motion and directed the Parties to submit a proposed Case Management Order to uniformly govern the resolution of such motions. Doc. No. 382.

Based on the agreement of counsel, and for good cause shown, the Court enters the following Case Management Order No 5:

(1) Briefing Schedule related to the Small Business Complaint.

The Court directs that Defendants' Rule 12(b) Motion directed to the Small Business Complaint, as well as responses and replies, be filed on the following schedule:

<u>Event</u>	<u>Due Date</u>
Rule 12(b) motion	July 30, 2018
Plaintiffs' opposition	September 13, 2018
Defendants' reply	October 15, 2018

(2) Briefing on Motions to Remand.

There are currently five cases in which motions to remand were pending at the time of transfer by the MDL, as well as two cases in which Plaintiffs have filed

renewed motions to remand with this Court, *see* Doc. No. 350. In order to ensure efficient and consistent treatment of such motions, the Court sets the following briefing schedule for motions to remand to state court:

<u>Event</u>	<u>Date</u>
Any Plaintiff desiring to move forward with a motion to remand originally filed in a transferor court must file a renewed motion to remand with this Court (if the plaintiff has not already done so).	September 6, 2018
Defendants shall file a response to any renewed motions to remand.	October 22, 2018
Plaintiffs that have filed renewed motions to remand may file a reply in support of such motions.	November 21, 2018

The Court will then schedule hearings on remand motions as it deems appropriate.

(3) **Other Motions.**

Case Management Order No. 1 specified that no motion shall be filed under Rules 11, 12, or 56 without leave of court and unless it includes a certificate that the movant has conferred with opposing counsel in a good faith effort to resolve the matter without court action. Doc. No. 23 at 5. This requirement is now expanded to apply to all motions not otherwise permitted by a case management order entered by

this Court. Should any party wish to file a motion not otherwise contemplated by a case management order, the party must file a notice with the Court explaining the basis for the motion, the efforts taken to resolve that motion without judicial intervention, and the remaining disagreements between the Parties. At the first status conference following the filing of the notice, counsel for Lead Plaintiffs and counsel for Defendants shall present a proposed briefing schedule for any such motions for the Court's consideration. These requirements shall apply to any future motions in this action and shall control over any deadlines set forth in the Local Rules.

For the "Motion for Attorney's Fees" filed in *Casper v. Equifax Inc.*, No. 1:18-cv-1511-TWT, which was filed prior to this case management order, the Court directs Defendants to respond on or before July 11, 2018. Plaintiff shall then have until August 3, 2018 to file any reply.

(4) **ESI Disclosures.**

Case Management Order No. 4 (Doc. No. 261) ("CMO 4") sets forth various deadlines related to ESI Disclosures. On May 16, 2018, Defendants served the ESI Disclosures required under Section III.A.1-5 of CMO 4. The Parties request additional time to satisfy their outstanding ESI obligations under CMO 4. It is therefore ordered that on or before August 15, 2018: (i) Consumer and Financial Institution Plaintiffs will serve the ESI Disclosures required under Section III.A.1-5

of CMO 4; (ii) the Parties will exchange the list of custodians and other custodial information required to be disclosed under Section III of CMO 4; and (iii) the Parties will negotiate a protocol setting forth the technical specifications for the production of hard copy documents and electronically stored information, as required under Section II.C of CMO 4.

Dated: May 31, 2018

Respectfully submitted by:

/s/ Amy E. Keller

Amy E. Keller

DICELLO LEVITT & CASEY LLC

Ten North Dearborn Street

Eleventh Floor

Chicago, Illinois 60602

Tel. 312.214.7900

akeller@dlcfirm.com

Kenneth S. Canfield

Ga Bar No. 107744

DOFFERMYRE SHIELDS

CANFIELD & KNOWLES, LLC

1355 Peachtree Street, N.E., Suite 1900

Atlanta, Georgia 30309

Tel. 404.881.8900

kcanfield@dsckd.com

Norman E. Siegel

STUEVE SIEGEL HANSON LLP

460 Nichols Road, Suite 200

Kansas City, Missouri 64112

Tel. 816.714.7100

siegel@stuevesiegel.com

Consumer Plaintiffs' Co-Lead Counsel

Roy E. Barnes
Ga. Bar No. 039000
BARNES LAW GROUP, LLC
31 Atlanta Street
Marietta, Georgia 30060
Tel. 770.227.6375
roy@barneslawgroup.com

David J. Worley
Ga. Bar No. 776665
EVANGELISTA WORLEY LLC
8100A Roswell Road Suite 100
Atlanta, Georgia 30350
Tel. 404.205.8400
david@ewlawllc.com

***Consumer Plaintiffs' Co-Liaison
Counsel***

Andrew N. Friedman
**COHEN MILSTEIN SELLERS &
TOLL PLLC**
1100 New York Avenue, NW
Suite 500
Washington, D.C. 20005
Tel. 202.408.4600
afriedman@cohenmilstein.com

Eric H. Gibbs
GIRARD GIBBS LLP
505 14th Street
Suite 1110
Oakland, California 94612
Tel. 510.350.9700
ehg@classlawgroup.com

James Pizzirusso
HAUSFELD LLP
1700 K Street NW Suite 650
Washington, D.C. 20006
Tel. 202.540.7200
jpizzirusso@hausfeld.com

Ariana J. Tadler
**MILBERG TADLER PHILLIPS
GROSSMAN LLP**
One Penn Plaza
19th Floor
New York, New York 10119
Tel. 212.594.5300
atadler@milberg.com

John A. Yanchunis
**MORGAN & MORGAN COMPLEX
LITIGATION GROUP**
201 N. Franklin Street, 7th Floor
Tampa, Florida 33602
Tel. 813.223.5505
jyanchunis@forthepeople.com

William H. Murphy III
MURPHY, FALCON & MURPHY
1 South Street, 23rd Floor
Baltimore, Maryland 21224
Tel. 410.539.6500
hassan.murphy@murphyfalcon.com

Jason R. Doss
Ga. Bar No. 227117
THE DOSS FIRM, LLC
36 Trammell Street, Suite 101
Marietta, Georgia 30064
Tel. 770.578.1314
jasondoss@dossfirm.com

***Consumer Plaintiffs' Steering
Committee***

Rodney K. Strong
GRIFFIN & STRONG P.C.
235 Peachtree Street NE, Suite 400
Atlanta, Georgia 30303
Tel. 404.584.9777
rodney@gspclaw.com

***Consumer Plaintiffs' State Court
Coordinating Counsel***

-and-

/s/ Joseph P. Guglielmo (w/ permission)
Joseph P. Guglielmo
**SCOTT+SCOTT ATTORNEYS AT
LAW LLP**
230 Park Avenue, 17th Floor
New York, New York 10169
Tel. 212.223.6444
jguglielmo@scott-scott.com

Gary F. Lynch
**CARLSON LYNCH SWEET KILPELA
& CARPENTER, LLP**
1133 Penn Avenue, 5th Floor
Pittsburgh, Pennsylvania 15222
Tel. 412.322.9243
glynch@carsonlynch.com

***Financial Institution Plaintiffs' Co-Lead
Counsel***

Craig A. Gillen
GILLEN WITHERS & LAKE, LLC
3490 Piedmont Road, N.E.
One Securities Centre, Suite 1050
Atlanta, Georgia 30305
Tel. 404.842.9700
cgillen@gwilllawfirm.com

MaryBeth V. Gibson
THE FINLEY FIRM, P.C.
3535 Piedmont Road
Building 14, Suite 230
Atlanta, Georgia 30305
Tel. 404.320.9979
mgibson@thefinleyfirm.com

Ranse Partin
CONLEY GRIGGS PARTIN LLP
4200 Northside Parkway
Building One, Suite 300
Atlanta, Georgia 30327
Tel. 404.572.4600
ranse@onleygriggs.com

***Financial Institution Plaintiffs' Co-Liaison
Counsel***

Arthur M. Murray
MURRAY LAW FIRM
650 Poydras Street, Suite 2150
New Orleans, Louisiana 70130
Tel. 504.525.8100
amurray@murray-lawfirm.com

Stacey P. Slaughter
ROBINS KAPLAN LLP
800 LaSalle Avenue, Suite 2800
Minneapolis, Minnesota 55402
Tel. 612.349.8500
sslaughter@robinskaplan.com

Charles H. Van Horn
BERMAN FINK VANHORN P.C.
3475 Piedmont Road, Suite 1100
Atlanta, Georgia 30305
Tel. 404.261.7711
cvanhorn@bfvlaw.com

Allen Carney
CARNEY BATES & PULLIAM, PLLC
519 W. 7th Street
Little Rock, Arkansas 72201
Tel. 501.312.8500
acarney@cbplaw.com

Bryan L. Bleichner
CHESTNUT CAMBRONNE PA
17 Washington Avenue North
Suite 300
Minneapolis, Minnesota 55401
Tel. 612.339.7300
bbleichner@chestnutcambronne.com

Karen Hanson Riebel
**LOCKRIDGE GRINDAL NAUEN
P.L.L.P.**
100 Washington Ave. S., Suite 2200
Minneapolis, Minnesota 55401
Tel. 501.812.5575
khriebel@locklaw.com

Karen S. Halbert
ROBERTS LAW FIRM, PA
20 Rahling Circle
P.O. Box 241790
Little Rock, Arkansas 72223
Tel. 501.821.5575
karenhalbert@robertslawfirm.us

Brian C. Gudmundson
ZIMMERMAN REED LLP
1100 IDS Center, 80 South 8th Street
Minneapolis, Minnesota 55402
Tel. 612.341.0400
brian.gudmunson@zimmreed.com

***Financial Institution Plaintiffs' Steering
Committee***

-and-

/s/ S. Stewart Haskins II (w/ permission)

KING & SPALDING LLP

David L. Balser

Georgia Bar No. 035835

Phyllis B. Sumner

Georgia Bar No. 692165

S. Stewart Haskins II

Georgia Bar No. 336104

Elizabeth D. Adler

Georgia Bar No. 558185

John C. Toro

Georgia Bar No. 175145

1180 Peachtree Street, N.E.

Atlanta, Georgia 30309

Tel.: (404) 572-4600

Fax: (404) 572-5140

dbalser@kslaw.com

psumner@kslaw.com

shaskins@kslaw.com

eadler@kslaw.com

jtoro@kslaw.com

Counsel for Equifax Inc.

SO ORDERED, this ____ day of June, 2018.

Thomas W. Thrash
United States District Judge